

FILED
CHARLOTTE, NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DEC -9 2019
US DISTRICT COURT
WESTERN DISTRICT OF NC

DOCKET NO. 3:11CR268-RJC

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN KNOX BRIDGES,

Defendant.

**CONSENT ORDER FOR
THIRD PARTY PETITION**

PETITION OF BENJAMIN F. LONG, IV

THIS MATTER is before the Court by consent of the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina and Petitioner Benjamin F. Long, IV ("Petitioner"), through counsel, pursuant to Fed. R. Crim. P. 32.2(c). The Government and Petitioner have consented to this Consent Order for Third Party Petition as a final adjudication and settlement of all matters between Petitioner and the Government with regard to the following property identified in the Consent Order and Judgment of Forfeiture (Doc. 24) ("the Property"):

- One drawing, by Ben Long, known as *Lucignano [Landscape]* or some variation thereof;
- One drawing, by Ben Long, known as *Santa Maria della Quercia* or some variation thereof;
- One drawing, by Ben Long, known as *Portrait of Coco* or some variation thereof;
- One drawing, by Ben Long, known as *Fresco Study of Donkey* or some variation thereof;
- One drawing, by Ben Long, known as *Portrait of a Disciple* or some variation thereof;

- One drawing, by Ben Long, known as *Pougnadoresse [France Landscape]* or some variation thereof;
- One drawing, by Ben Long, known as *Drapery Study* or some variation thereof;
- One drawing, by Ben Long, known as *Fresco Study for the Prodigal Son* or some variation thereof;
- Two drawings, by Ben Long, on one sheet of paper, known as *First Concept for St. Paul Fresco* or some variation thereof;
- One drawing, by Ben Long, known as *Matthew [Portrait of a Disciple]* or some variation thereof;
- One drawing, by Ben Long, known as *Fresco Study for Saint Paul* or some variation thereof;
- One painting, by Ben Long, known as *Portrait of Clive* or some variation thereof;
- One drawing, by Ben Long, known as *Lucignano, 2004 [Italian Landscape]* or some variation thereof; and
- One drawing, by Ben Long, known as *Sam Gray, Study for Saint Paul*, or some variation thereof.

The parties have **STIPULATED AND AGREED** and the **COURT FINDS AS FOLLOWS:**

1. Prior to sentencing in this matter, Defendant turned over the Property, along with other art identified in the Consent Order and Judgment of Forfeiture, to law enforcement and advised that the Property belonged to Defendant. Thereafter, the Government proposed and this Court issued the Consent Order and Judgment of Forfeiture for the Property, and other art, on the basis that it was Defendant's substitute property subject to forfeiture herein.

2. The Government provided Petitioner notice of this forfeiture action. Petitioner thereafter filed a Petition (Doc. 24). In his Petition, Petitioner contended, *inter alia*, that Petitioner did not convey the Property to Defendant; that Defendant stole the

Property from Petitioner; and that, prior to this criminal case, Petitioner ultimately located some or all of the Property with an art gallery owner and tried to obtain it from the gallery, but the Property was thereafter conveyed from the gallery back to Defendant and Petitioner was not able to procure the Property.

3. The Government and Petitioner have conferred in-person about this matter and about the specific sketches and paintings that comprise the Property. Petitioner has provided the Government with information about the Property and attests that he did not convey the Property to Defendant. Further, Petitioner has provided documentation on resolution of two separate state court actions pertinent to his Petition. Finally, after undertaking efforts for a substantial period of time to secure funding to settle this matter, Petitioner has agreed to pay \$3,000 to the Clerk of Court for payment towards restitution in this case, provided that the Government consents to the Petition. Under these circumstances, Petitioner and the Government agree that this Court should grant the Petition and convey the Property to Petitioner.

4. Conveyance of the Property to Petitioner shall be in full settlement and satisfaction of all claims by Petitioner to the Property and all claims against the United States resulting from the incidents or circumstances giving rise to this case.

5. Petitioner agrees not to pursue against the United States any rights that it may have against any other property subject to forfeiture in this case. Petitioner also agrees to consent to any Government motion for final order of forfeiture of property in this case other than the Property. Petitioner understands and agrees that the United States reserves the right to terminate the forfeiture action at any time.

6. The Government and Petitioner waive any rights to further litigate between each other in this forfeiture action to the Property and agree that this Consent Order for Third Party Petition shall be in full settlement and satisfaction of all claims between Petitioner and the Government in this action to the Property and all claims between Petitioner and the Government resulting from the incidents or circumstances giving rise to the forfeiture of the Property.

7. Unless specifically directed by an order of the Court, Petitioner shall be excused and relieved from further participation in this action.

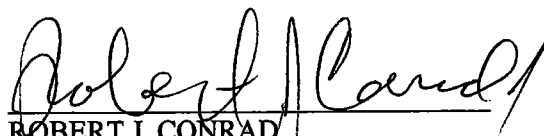
IT IS THEREFORE ORDERED THAT:

1. Based upon the stipulations of the parties herein and based on 21 U.S.C. § 853(n)(6), this Court hereby recognizes Petitioner's interest in the Property.

2. Pursuant to the agreement set forth herein this Court orders Petitioner to pay \$3,000 to the Clerk of Court towards restitution in this matter and orders the Government to, upon confirmation of the \$3,000 deposit, transfer the Property to Petitioner or his designee.

3. The Government and Petitioner shall bear their own costs, including attorneys' fees.

Signed this 5th day of December, 2018.


ROBERT J. CONRAD
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND
BY CONSENT OF THE PARTIES:

R. ANDREW MURRAY
UNITED STATES ATTORNEY
Ben Bain-Creed
Benjamin Bain-Creed
Assistant United States Attorney

Dated: 12/2/19

Benjamin F. Long, IV Dated: 7.18.19
Benjamin F. Long, IV
Petitioner

Doyle J. Tate Dated: Dec 2, 2019
Doyle J. Tate, Esq.
Attorney for Petitioner